

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3781

IN THE MATTER OF:

Served June 20, 1991

Application of EXECUTIVE SEDAN       )  
MANAGEMENT SERVICES, INC., for a    )  
Certificate of Authority --         )  
Irregular Route Operations         )

Case No. AP-91-22

By application filed June 17, 1991, Executive Sedan Management Services, Inc. (ESMS or applicant), seeks a Certificate of Authority to transport passengers in irregular route operations between points in the Metropolitan District. ESMS is a Maryland corporation formed in February 1991 and is under common control with (1) Barwood, Inc., a Maryland corporation that owns a fleet of taxicabs in Montgomery County, MD, and (2) Executive Coach, Ltd., the holder of WMATC Certificate of Authority No. 177. Therefore, implicit in this application is the issue of Commission approval of common control pursuant to the Compact, Title II, Article XII, Section 3.

ESMS proposes to initiate operations with three 1991 vehicles, each seating 21 passengers, to be used in contract shuttle operations for the United States Nuclear Regulatory Commission (NRC). This NRC shuttle service is also the subject of a companion application of ESMS in Case No. AP-91-21 and is the subject of Order No. 3777, served June 19, 1991.

The application contains, among other things, information regarding ESMS's corporate status, facilities, vehicle maintenance program, minimum driver qualifications, finances, and regulatory compliance record.

In determining whether to grant or deny an application for a Certificate of Authority, the Compact at Title II, Article XI, Section 7, requires that the Commission determine whether an applicant is fit, willing, and able to perform that transportation properly and conform to the provisions of the Compact and the Commission's rules, regulations, and requirements and that the transportation is consistent with the public interest. The standard for approval of common control pursuant to the Compact, Title II, Article XII, Section 3, is consistency with the public interest. Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of the application for a Certificate of Authority and for approval of common control. The application is available for inspection at the office of the Commission during its regular business hours.

THEREFORE, IT IS ORDERED:

1. That Executive Sedan Management Services, Inc., shall publish once in a newspaper of general circulation in the Metropolitan District notice in the form prescribed by the staff of the Commission, no later than Saturday, June 29, 1991.

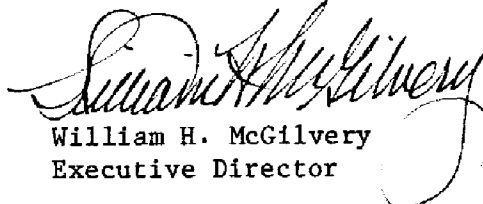
2. That Executive Sedan Management Services, Inc., and Executive Coach, Ltd., shall jointly post notice continuously and conspicuously in each vehicle operated by either company pursuant to WMATC operating authority, in the form prescribed by the staff of the Commission, such notice to be posted no later than (1) Saturday, June 29, 1991, or (2) such later date as such a vehicle shall first be placed in service, and to remain so posted through Friday, July 26, 1991.

3. That Executive Sedan Management Services, Inc., shall file with the Commission, no later than Monday, July 29, 1991, an original and four copies of affidavit(s) that notice has been published and posted as required in the preceding paragraphs.

4. That any person wanting to protest the issuance of a Certificate of Authority and/or approval of common control shall do so in accordance with Commission Rule No. 13 and Regulation No. 54-04(a), and any person wanting to comment on these matters, other than by protest, shall do so in writing, in accordance with Regulation No. 54-04(a), no later than Friday, July 26, 1991, and shall simultaneously serve a copy of such protest or comment on applicant's attorney, Alan B. Moldawer, Esquire, 30 Courthouse Square, Suite 300, Rockville, MD 20850.

5. That any person seeking oral hearing on this matter shall request one in accordance with Commission Regulation No. 54-04(b) no later than Friday, July 26, 1991, and shall simultaneously serve a copy of such request on applicant's attorney, Alan B. Moldawer, Esquire, 30 Courthouse Square, Suite 300, Rockville, MD 20850.

FOR THE COMMISSION:

  
William H. McGilvery  
Executive Director